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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,889	02/24/2004	Wade Martin Poteet	86581-0004 CIP	9983
24633	7590	12/07/2005	EXAMINER	
HOGAN & HARTSON LLP IP GROUP, COLUMBIA SQUARE 555 THIRTEENTH STREET, N.W. WASHINGTON, DC 20004				VU, MINDY D
		ART UNIT		PAPER NUMBER
		2884		

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/784,889	POTEET ET AL.	
	Examiner Mindy Vu	Art Unit 2884	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 and 14 is/are rejected.
- 7) Claim(s) 12 and 13 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

This Office Action is in response to the Applicant's application filed February 24, 2004.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kollias et al. (6,505,059).

With respect to Claim 1, Kollias et al. discloses a system for verifying the composition of chemical substances (Abstract, for example Fig. 2), comprising: an ultraviolet fluorescence detector 18; a processor 22 coupled to the ultraviolet fluorescence detector, the processor receiving spectral data from the ultraviolet fluorescence detector; and a database including signature data for a plurality of predetermined chemical substances (Col. 2 lines 1-3 & Col. 8 lines 1-5).

With respect to Claim 2, Kollias et al. discloses the ultraviolet fluorescence detector includes: an excitation light source 14; a sample receiving platform capable of receiving excitation light from said excitation light source; an ultraviolet light detector for receiving induced fluorescent energy; and an analysis module for matching said

induced fluorescent ultraviolet energy against a previously determined signature spectrum (Col. 10 lines 14-26 & Col. 11 lines 13-25).

With respect to Claim 3, Kollias et al. discloses the signature data includes data for at least one of a drug, a medication, a compounded medication, a compounded chemical formulation, a controlled substance, a narcotic, an illegal drug, an alcohol, a food product and a perfume (Col. 8 lines 32-38).

With respect to Claim 4, Kollias et al. discloses a method for verifying the composition of at least one chemical substance, comprising the steps of: measuring induced fluorescent energy of at least one chemical substance (Col. 5 lines 45-51); accessing a database of predetermined fluorescent signatures of chemical substances (Col. 7 lines 44-47); and comparing the measured induced fluorescence energy of said at least one chemical substance against the predetermined fluorescent signatures of said accessed database of chemical substances (Col. 2 lines 1-3 & Col. 8 lines 35-38).

With respect to Claim 5, Kollias et al. discloses the step of measuring induced fluorescent energy of said at least one chemical substance includes scanning said at least one chemical substance (Col. 6 lines 54-56).

With respect to Claim 6, Kollias et al. discloses the method in Claim 4 further comprise the step of measuring said at least one chemical substance with a fluorescence inducing device (Col. 5 lines 45-50).

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With respect to Claim 7, Kollias et al. discloses the method in Claim 4 further comprise the step of storing said measured induced fluorescent energy of said chemical (Col. 8 lines 4-5).

With respect to Claim 8, Kollias et al. discloses the method in Claim 4 further comprise the step alerting a user to a unmatched fluorescent signature for said at least one chemical substance (Col. 7 lines 22-31).

With respect to Claim 9, Kollias et al. discloses the system include in a quality control program (Col. 8 lines 58- 62).

With respect to Claims 10 and 11, Kollias et al. discloses the system include in a chemical substance dispensation and administration protocols (Col. 10 lines 33-43).

With respect to Claim 14, Kollias et al. discloses the chemical substance is a compounded chemical formulation (Col. 2 lines 1-2).

### ***Allowable Subject Matter***

Claims 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not teach or suggest the system include a chemical substance disposal or a law enforcement protocol.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mindy Vu whose telephone number is 571-272-8539. The examiner can normally be reached on M-F 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mv



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